

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

TALIEK PAYNE,

Defendant.

24-CR-152-3 (DEH)

ORDER

DALE E. HO, United States District Judge:

On September 7, 2024, the Court received several documents from defense counsel, including: (1) a “Motion Requesting Leave to file Status Letter and Subpoena and Addendum Under Seal”; (2) the Status Letter and Subpoena (which are the subject of the first document); and (3) a Motion “Requesting Continuance of Sentencing,” which counsel seeks to file in redacted form.

It is hereby ORDERED that the applications are GRANTED. Courts apply a three-part inquiry to determine whether to seal or redact a document. *See Olson v. Major League Baseball*, 29 F.4th 59, 87-88 (2d Cir. 2022).¹ First, a court determines whether a document is a “judicial document,” subject to a presumptive public right of access. *See id.* at 87. Second, a court determines the weight of the presumption of public access that attaches to the document, looking to “the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts.” *Id.* at 87-88. “Finally, once the weight of the presumption has been assessed, the court is required to balance competing considerations against it.” *Id.* at 88.

¹ In all quotations from cases, citations, footnotes, brackets, ellipses, and emphases are omitted unless otherwise indicated. All references to Rules are to the Federal Rules of Civil Procedure.

The Court has reviewed the documents in question, and determines that: (1) the documents in question are judicial documents subject to a presumption of public access; (2) the documents have only a reduced presumption of public access, as they include a status letter and a motion requesting an adjustment to a scheduling order; and (3) that countervailing public interests justify the proposed sealing and redactions, which are narrowly tailored, *cf. In re Castillo*, 722 F. App'x 29, 32 (2d Cir. 2018) (ordering redactions to prevent “disclosure of medical information”).

Accordingly, unredacted versions of the three documents received on September 7 shall be filed under seal with the Court. Defense counsel shall file redacted versions of the Motion Requesting Leave to file Status Letter and Subpoena and Addendum Under Seal and the Motion “Requesting Continuance of Sentencing,” on ECF by September 16, 2024.

It is further ORDERED that the sentencing hearing previously scheduled for October 4, 2024, is adjourned to November 22, 2024, at 2:00 p.m. Defendant’s submission(s) shall be due by November 8, 2024. The Government’s submission(s) shall be due by November 15, 2024.

SO ORDERED.

Dated: September 12, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is written above a horizontal line.

DALE E. HO
United States District Judge